

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

)

v.

)

Dana Rae Kirk

)

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)

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Case No.

2:22-mj-365

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 21, 2022 in the county of Delaware in the
Southern District of Ohio, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|---------------------|--|
| 18 U.S.C. 111(a)(1) | Assaulting, resisting, or impeding a federal law enforcement officer |

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.


Complainant's signature
#7758

Charles Sanso, Supervisory Deputy U.S. Marshal

Printed name and title


Elizabeth M. Deavers
Judge's signature

Elizabeth Preston Deavers, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

VIA FACETIME
Date: 5/23/2022

City and state: Columbus, Ohio

Elizabeth Preston Deavers, U.S. Magistrate Judge

AFFIDAVIT

I, Charles Sanso, being duly sworn, do hereby declare and state the following:

1. I am employed as a Deputy U.S. Marshal and have been so employed since February 28, 2011. As a Deputy U.S. Marshal, I am authorized under 28 U.S.C. § 564 to enforce the laws of the United States, including violations of 18 U.S.C. § 111.

2. On March 1, 2022, the Delaware County Court issued a warrant for T.S. because of an alleged probation violation.

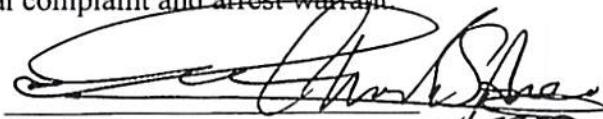
3. On April 21, 2022, the Southern Ohio Fugitive Apprehension Strike Team (SOFAST), which had adopted the warrant through their Memorandum of Understanding with Delaware County Probation Office, travelled to T.S.'s last known address on Maplewood Drive in Ashley, OH, within the Southern District of Ohio. Upon arrival to the area, Task Force Officer (TFO) Aaron Howard and Deputy United States Marshal (DUSM) David Youngless spoke with a neighbor outside the residence. The neighbor told investigators that T.S. operated a Silver Toyota 4Runner, and if the vehicle was at the house, T.S. would be inside the house. At the residence, TFO Howard and DUSM Youngless identified the Silver Toyota 4Runner in the driveway, which they believed belonged to T.S.

4. SOFAST members knocked and announced police presence. T.S. answered the door. DUSM Youngless identified himself as a law enforcement officer and stated the reason for being at the residence was to execute an arrest warrant for T.S. DUSM Youngless and SOFAST members ordered T.S. out of the front door; T.S. failed to listen at first to officer commands, but eventually walked toward SOFAST members. While T.S. was being handcuffed, Dana Kirk, who was in a personal relationship with T.S., came to the front door of the residence. DUSM Youngless ordered Kirk to show her hands to law enforcement officers. Nevertheless, Kirk kept her right hand behind her back and her left hand behind the door jamb, which meant that officers could not see if Kirk had any weapons in her hands. DUSM Youngless gave multiple loud, verbal commands for Kirk to show officers her hands, but she failed to comply. DUSM Youngless then reached for Kirk with his left hand, grabbing and pulling the front pocket of the hoodie Kirk was wearing. Kirk resisted by stiffening her body and leaning away from officers, causing the pocket of her hoodie to rip and DUSM Youngless to lose his grip on Kirk. Kirk still did not show officers her hands despite being told multiple times to do so. DUSM Youngless pulled on the hoodie a second time to gain compliance from Kirk and she came out onto the concrete patio, still on her feet, under the awning of the mobile home. DUSM Youngless passed Kirk behind him to other officers.

5. Once past DUSM Youngless and standing behind him, Kirk struck DUSM Youngless in the back with her hand. DUSM Youngless, feeling the contact, immediately turned around and pushed Kirk away by placing his left forearm into Kirk's neck area, which caused her to back up against the front of a Dodge pickup truck that was also under the awning. Kirk grabbed onto DUSM Youngless' forearm and began yelling at him. DUSM Youngless gave multiple loud verbal commands to let go of his arm, but Kirk failed to comply. DUSM Youngless then indicated to Kirk that if she did not let go of his forearm, she would get struck. At that point, Kirk let go of DUSM Youngless' forearm and she was placed into handcuffs and

detained. A short time later, officers ran Kirk for warrants with negative results and removed her from handcuffs. Kirk was no longer detained.

6. Based on the foregoing facts and my knowledge and experience, I submit that probable cause exists to believe that Kirk did forcibly assault, resist, impede and interfere with a person designated in 18 U.S.C § 1114, to wit, David Youngless, a Deputy United States Marshal, while engaged in or on account of the performance of his official duties, in violation of 18 U.S.C. § 111. Therefore, I request the issuance of a criminal complaint and arrest warrant.



Charles Sanso
Supervisory Deputy U.S. Marshal
#5338

Sworn before me and subscribed in my presence this 23rd day of May 2022, at Columbus, Ohio.

